

Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Curtis E. Hawk, City Manager
Date: September 17, 2013
Subject: Amendments to Chapter 10, "Boards, Committees, Commissions," Richland Hills Municipal Code (City Code of Ordinances).

City Council Action Requested:

Consider Ordinance 1255-13, Amendments to Chapter 10, "Boards, Committees, Commissions," Richland Hills Code of Ordinances.

Background Information:

At the August 20th Council meeting the City Council requested the City Manager to bring forward amendments to Chapter 10. Elsewhere on the agenda for this evening for Council consideration is Resolution No. 415-13, which if approved will have Council create additional standing Committees of the Council. As discussed previously with Council, approval of the additional standing committees of the Council would reduce the need for certain advisory boards and committees. The changes to Chapter 10 of our Code of Ordinances as recommended by the City Manager are set out in Ordinance 1255-13.

Board/Citizen Input:

The proposed amendments have been discussed with some board members, and other boards are aware of Council's direction and actions over the last several months.

Financial Impact:

N/A

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Staff Contacts:

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Attachment: Ordinance No. 1255-13

ORDINANCE NO. 1255-13

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 10 "BOARDS, COMMITTEES, COMMISSIONS" OF THE RICHLAND HILLS MUNICIPAL CODE ("CITY CODE") BY AMENDING SECTION 10-3 "TERM, APPOINTMENT, APPLICATION" TO PROVIDE FOR THE APPOINTMENT, TERM, APPLICATION, AND QUALIFICATIONS OF BOARDS IN GENERAL; BY AMENDING SECTION 10-10 "ORGANIZATIONAL MEETING AND OFFICERS" TO PROVIDE FOR THE ORGANIZATIONAL MEETINGS AND OFFICERS OF BOARDS IN GENERAL; BY AMENDING SECTION 10-31 "CREATION, QUALIFICATIONS OF MEMBERS" TO PROVIDE FOR CREATION, QUALIFICATIONS, COMPOSITION AND APPOINTMENT OF MEMBERS TO THE ANIMAL SHELTER ADVISORY BOARD; BY AMENDING SECTION 10-32 "COMPOSITION, APPOINTMENTS AND TERMS OF MEMBERS" TO PROVIDE FOR ELECTION OF OFFICERS OF THE ANIMAL SHELTER ADVISORY BOARD; BY DELETING SECTION 10-91 THROUGH SECTION 10-96, SECTION 10-121 THROUGH SECTION 10-126, SECTION 10-151 THROUGH SECTION 10-156, SECTION 10-211 THROUGH 10-216, SECTION 10-241 THROUGH SECTION 10-246, SECTION 10-301 THROUGH SECTION 10-306, AND SECTION 10-331 THROUGH SECTION 10-336; BY AMENDING SECTION 10-411 "CREATION, QUALIFICATIONS, COMPOSITION AND APPOINTMENT OF MEMBERS" TO PROVIDE FOR THE APPOINTMENT OF MEMBERS, BY AMENDING SECTION 10-412 "ELECTION OF OFFICERS" TO PROVIDE FOR THE ELECTION OF OFFICERS, AND BY AMENDING SECTION 10-415 "POWERS OF THE BUILDING BOARD OF APPEALS" TO PROVIDE FOR AND ALTER THE POWERS AND DUTIES OF THE BUILDING BOARD OF APPEALS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Richland Hills City Council has determined that certain provisions pertaining to Chapter 10 "Boards, Committees, Commissions" should be amended; and

WHEREAS, the Richland Hills City Council has determined that the Economic Development Advisory Board, Crime Prevention Advisory Board, Special Events Committee, Library Advisory Board, Parks and Beautification Advisory Board, Public Transportation Advisory Board, and the Teen Court Advisory Board should be dissolved and thereby deleted from Chapter 10 "Boards, Committees, Commissions"; and

WHEREAS, the Richland Hills City Council has determined that the members of the Building Board of Appeals should be persons other than the members of the City Council; and

WHEREAS, the City Council finds that this ordinance is in the best interests of the citizens of the City of Richland Hills.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:

SECTION 1.

Section 10-3 (a) of Article I of Chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

Sec. 10-3. Appointment, term, application, qualifications.

(a) Except as otherwise provided in this Chapter, any member of the council shall be entitled to nominate a member to any vacancy to a board provided for in this chapter, be it for appointment of members for full terms or for the remainder of the unexpired term of members whose place becomes vacant. Each nomination shall be subject to approval by majority vote of the city council present. Except as otherwise provided in this chapter, all board members and alternates shall serve two year terms commencing in October. The council shall review applications and make board appointments in September. Except as otherwise provided in this chapter, all board members shall be registered voters within the city.

SECTION 2.

Section 10-10 of Article I of Chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

Sec. 10-10. Organizational meetings and officers.

All boards shall have an organizational meeting in October of each year. New officers will be elected at each organizational meeting. Except as otherwise provided in this chapter, the officers of the boards shall be a chairman and vice-chairman elected by a majority vote of the members at their organizational meeting. Each board shall have a secretary, who shall be appointed by the city manager.

SECTION 3.

Section 10-31 of Article II of Chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

Sec. 10-31. Creation, qualifications, composition and appointment of members.

(a) The animal shelter advisory board shall be composed of five members and up to two alternates appointed by the Council in accordance with Section 10-3 of this chapter.

(b) The five members of this board shall hold places 1 through 5. Place 1 shall be held by a licensed veterinarian; place 2 shall be held by a representative of an animal welfare organization; place 3 shall be held by a municipal official who may be an elected official or an employee of the city; place 4 shall be held by a person whose duties include daily operation of the animal shelter; place 5 shall be held by a person who volunteers at the animal shelter.

(c) The persons who are appointed to places 1 through 4 need not be registered voters within the city, but registered voters within the city shall be given preference for appointment. The person appointed to place 5 shall be a registered voter within the city. The persons appointed as alternates to this board need not be registered voters within the city, but registered voters within the city shall be given preference for appointment.

SECTION 4.

Section 10-32 of Article II of Chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

Sec. 10-32. Officers; election of officers.

The chair and vice chair of the board shall be elected by the board from among its members. The terms of the chair and vice chair shall coincide with the member's term of office as provided in section 10-3 of this chapter. The person who holds place 3 on the board shall serve as secretary.

SECTION 5.

The following sections and articles of Chapter 10 of the Richland Hills Municipal Code are hereby deleted and the boards and committees provided for in these sections are hereby dissolved:

Section 10-91 through Section 10-96 of Article III, Economic Development Advisory Board; Section 10-121 through Section 10-126 of Article IV, Crime Prevention Advisory Board; Section 10-151 through Section 10-156 of Article V, Special Events Committee; Section 10-211 through Section 10-216 of Article VII, Library Advisory Board; Section 10-241 through Section 10-246 of Article VIII, Parks and Beautification Advisory Board; Section 10-301 through Section 10-306 of Article X, Public Transportation Advisory Board; Section 10-331 through Section 10-336 of Article XI, Teen Court Advisory Board.

SECTION 6.

Section 10-411 of Article XIV of Chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

Sec. 10-411. Creation, qualifications, composition and appointment of members.

The building board of appeals shall be composed of five members and up to four alternate members appointed by the City Council in accordance with section 10-3 of this chapter. The members of this board should be qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the City of Richland Hills.

SECTION 7.

Section 10-412 of article XIV of chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

Sec. 10-412. Officers.

The chair and vice chair of the board shall be elected by the board from among its members. The terms of the chair and vice chair shall coincide with the member's term of office as provided in section 10-3 of this chapter.

SECTION 8.

Section 10-415 of article XIV of chapter 10 of the Richland Hills Municipal Code is hereby revised to read as follows:

Sec. 10-415. Powers of the building board of appeals.

The powers, duties and responsibilities of the building board of appeals shall be to hear, consider and determine substandard building cases under Chapter 14 of the Code and to hear, consider and determine appeals as set forth in all building codes adopted and amended by the city, including but not limited to the following:

- (1) International Building Code;
- (2) The National Electric Code;
- (3) The Uniform Housing Code;
- (4) The International Fire Code;
- (5) The International Mechanical Code;
- (6) The International Plumbing Code;
- (7) The International Residential Code; and
- (8) The International Property Maintenance Code

**SECTION 9.
PROVISIONS CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 10.
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 11.
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2013.

THE HONORABLE BILL AGAN, MAYOR

ATTEST:

LINDA CANTU, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY